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GLEN R. HAGEN

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GLEN R. HAGEN, Plaintiff, v. NCR CORPORATION, Defendant.	Case No.: 07 CV 2205 DMS (CAB) **AFFIDAVIT OF THOMAS R. GILL, ESQ., IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION TO CONTINUE CMC** Date: March 14, 2008 Time: 1:30 p.m. Judge: Hon. Cathy Ann Bencivengo

I, THOMAS R. GILL, ESQ., have personal knowledge of the following facts, and if called upon could competently testify to the following:

1. On Tuesday, March 11, 2008, I spoke to Michael Leggieri, Esq. to inquire about continuing the above referenced CMC. Mr. Leggieri explained I needed a joint stipulation or an *ex parte* application. I called opposing counsel, Jason R. Dawson, Esq., and left a detailed message. As of this time, Wednesday at 3:00 p.m., I have not had a response. I believe Mr. Dawson is busy and did not choose to ignore me. However, time is of the essence.

2. On Saturday morning in New York City my daughter, a student, is having foot surgery. She asked if I could be with her. Therefore, this request is not an emergency; rather it is

simply a dad wanting to do something for his daughter. We're close. I will need to travel all day Friday, March 14th.

3. Since the initial ENEC counsel have fully cooperated with this Court's Orders, including preparing and submitting the JOINT DISCOVERY PLAN, and exchanging respective Initial Disclosures.

4. This is the second request to change the CMC date. The first occurred at the time of the ENEC when dates were being discussed and Your Honor provided March 7 as the CMC date. I requested it be postponed to the 14th and the Court agreed.

5. Thank you for your attention to this matter.

I declare under penalty of perjury under the laws of the United States the foregoing is true and correct and that this affidavit was executed on this 12th day of March, 2008, at San Diego, California.

s/ Thomas R. Gill, Esq.
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